

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VINCENT KEITH BELL,
Plaintiff,

v.

KEN LEE, et al.,
Defendants.

Case No. [13-cv-05820-SI](#)

**ORDER DENYING MOTION TO ADD
DOCUMENTS TO OPPOSITION TO
MOTION FOR SUMMARY JUDGMENT**

Re: Dkt. No. 49

Defendants filed a motion for partial summary judgment on September 24, 2015, and plaintiff filed an opposition on October 26, 2015. Several months later, on February 10, 2016, the court issued an order granting partial summary judgment and referred the action to the *pro se* prisoner mediation program. (Docket No. 48.) About a week after the court issued the order, plaintiff filed a motion to add documents to his opposition to the motion for summary judgment. (Docket No. 49.) The documents he seeks to add to his opposition are five inmate grievances.

The motion to add the documents to his opposition to the motion for summary judgment is DENIED. (Docket No. 49.) First, plaintiff did not explain why he did not attach the exhibits to his opposition, or submit them in the more than three months that the motion for summary judgment was pending. Although plaintiff wrote that the defendants had the documents, he did not state when he received a copy of any of those documents from defendants or other sources. He plainly had at least one of them in September, because it was an exhibit to defendants' motion for summary judgment (*compare* Docket No. 49 at 3 *with* Docket No. 38-2 at 39), and the other four grievances have printed markings on the bottom that one of the copies of the 3-part form is for the prisoner to keep, suggesting that he has had a copy of those four grievances since the day he wrote each one. The motion to add the documents therefore is untimely. Second, plaintiff does

not show that any of the five inmate grievances would enable him to avoid the partial summary judgment that was granted. The court's analysis in the order granting summary judgment did not rest on plaintiff's failure to present copies of his inmate grievances.

IT IS SO ORDERED.

Dated: March 15, 2016



SUSAN ILLSTON
United States District Judge